

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MATTHEW JAMES GRIFFIN,**

Plaintiff,

v.

No. CIV 04-0654 MCA/WDS

**ROBERT J. PERRY, et al.,**

Defendants.

**MEMORANDUM OPINION AND ORDER FOR  
PRELIMINARY MARTINEZ REPORT**

THIS MATTER comes before the Court on Plaintiff's motion to compel discovery (Docket No. 33). Plaintiff, who is incarcerated and proceeding *pro se*, has served process on all but two of the individual named defendants in this case. Plaintiff has served interrogatories in an effort to identify and serve process on Defendants.

Defendants have objected to Plaintiff's discovery as premature, as there is no court order or agreement amongst the parties as to when or in what order discovery will proceed.

**Martinez Report**

The court may order defendants in a case brought by a prisoner proceeding *pro se* to submit a special report (Martinez report) to investigate the incident or incidents which form the basis for plaintiff's lawsuit. Martinez v. Aaron, 570 F.2d 317, 320 (10th Cir. 1978). The Tenth Circuit has authorized the district court to require a Martinez report to develop a factual or legal basis for determining whether an inmate plaintiff has a meritorious claim. See, e.g., Gee v. Estes, 829 F.2d 1005, 1007 (10th Cir. 1987). Such a report may be used in a variety of procedural situations, however this preliminary Martinez report is solely for the purpose of providing sufficient information

to the Plaintiff to allow him to complete service of process and identification of individual defendants in this matter.

To wit, defendants shall prepare a preliminary Martinez report which shall provide the following information:

- (1) The full name and current or last known mailing address for the following defendants:  
Tim LeMaster, John Shanks, Carlos Valdez, Brian Gallegos, Felimon Martinez, Frederick Lopez III, Robert Kitchens, Jr., Michael Bouska, and Feliepe Candelaria.
- (2) The full name and current or last known mailing address for the defendants described in Paragraphs 7G through 7K of Plaintiff's amended complaint.

The report shall be filed on or before Monday, May 24, 2005. Defendants shall serve a copy of the report on plaintiff who shall have twenty (20) days from the date of service to respond. Motions for extensions of time shall be given due consideration.

**IT IS SO ORDERED.**

  
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**W. DANIEL SCHNEIDER**  
**UNITED STATES MAGISTRATE JUDGE**